P.F. I. - 893

G. R. S. IX-5]

Previous references. 1888-89 192. (L.R.)

File No. 55 of 88

Serial Nos. 1—11

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—11

Major ~~Part~~ B for July 1893

SUBJECT.

Appeal of Channabasaviah regarding the Cultivation of lands in Kabbana halli, Mandya Taluk

WB 2288—GPB—20,000—11-6-20

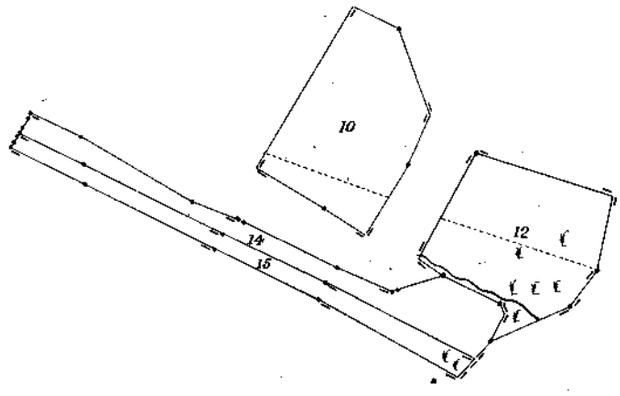
Index

Map of

Survey Numbers 10, 12, 14 and 15 of Kabbanhalli

Mandya Taluk

Survey No	*Acres*	*Kharab*	*Khushki*
10	*7.15*	*0.8*	*7.7*
12	*6.38*	*0.8*	*6.30*
14	*4.23*	*0.1*	*4.22*
15	*3.14*	*0.0*	*3.14*



2

Memo

Read

Docket-No 405 dated 26th August-1869 from the Dy Comr of Mysore, returning with enclosures appeal petition No 507 dated 14th June last-from Chenna-basavaiah of Sondekatte of the Nanjangud Taluk, with the records as called for vide this Office Memo: No 167 dated 16th July 1869.

The appeal petition runs thus.

1. That the (Petr) and his ancestors held certain plots of land called "Bane-devarkola" in Kelabana-halli of the Nanjangud Taluk for the past 50 or 60 years,

2. That-during Settlement the Survey Deptt, at the instance of the Shanbogue separated some portions of the land and classed them as Kharab on the score that they belonged to the Govt- Lodaly Grove and directed the Petitioner not-

S. Settlement-tank Papers re. 1868-69.

not to cultivate the same

3. That there being no toddy trees, when the petr cultivated the land in dispute, the Amildar having brought this case in the "Takrar Lakta" got him fined by the Jamabandy Officer, representing to him that he (Petr) cultivated without permission.

4. That when the petr appealed against this order, the Dept Commr without holding a proper enquiry confirmed the order of the Jamabandy Officer, as being correct.

5. That the land in dispute never formed a portion of the Govt waste land nor contained any toddy tree and that lands which actually belonged to Govt toddy grove were not so treated, but were allowed to be occupied by certain other ryots.

6. That the land in dispute does not contain any

4

any such trees could be ascertained by local enquiry & reference to Govt Accts.

7. And that in the case of Guristhan of Inamdar Hyder Tankalli of the Ingalgaon Taluk a certain land, which was brought under Kharak as in the present case, was by this Office order Dt. 180 dated 15th July 1884 ordered to be restored to the party.

The Petitioner now pray that after enquiry into the Case the prior of 1884 may be directed to be expunded to him and the land restored.

The following are the papers received from the Dy Commr with his docket above noted.

I Physical Patrika of the Village. In this it is stated that as it was brought to notice by the villagers that

Survey

* This order could not be found in this office records.

Survey No. 10 was all
along enjoyed on Kulgaral
Condayam and that it
contained toddy trees, the
by the Survey Dept.
same was treated as
Kharab and directed to
be sold annually for
Kulbanny.-
II Kannimi Jacki Sukla
of the village dt. 18/1/1889 in their a
remission of Rs 7-9--
under the head of "Kullanmi"
is allowed for the village.
It also shows that the
petitioner in cultivating
Survey Nos. 12 & 14 encroached
upon Nos. 15 & 10 as shown
in the margin, which
were excluded as Kharab
being included in the ad-
-joining toddy grove.
In this the petitioner is
stated to have been pre-
-sent when the Amildar
ordered the demarcation
of the Cadu for the orders
of the Zemindary Officer.
He is also said to have
admitted that he knew
of this land being forbidden
from being cultivated
by

× in Survey No. 15 Sq: Yds. 402
Do — 10 — " 13479
Total 13881
Sq: Yds
or about 2 acres 939

by the Survey Dept and that the request of himself and Patel Siddegowda to hold the land was not granted, and that as he had no sufficient land to live upon he cultivated this.

III Sakkar Lakka Ex 7

This shows that the petitioner was fined Rs 4 for having disobeyed the orders of both the Settlement Officer and the Amildar not to cultivate the land in dispute, and the petitioner was directed by the Jamabandy Officer to be debarred of the possession of the land.

IV Inahazar prepared by the Patels & reputed of Sondekihalli, Marenahalli & Belladmahalli. This Inahazar proves the encroachment made by the petitioner

Nallesawa Anjenappa
10-9-47.

Sent to Carmelford.

Give notice to Selby on a day when fires & Under Secy after 31 Aug/89

24/9/89

Packet to Lemming on the 14th Nov/89.

28/9

7

Precis of papers

Connected with the petition of Channabasavia, residing in Soudenhalli, Mandya Taluk.

---

1 Petitioner is the Khatedar of Survey Nos. 12 and 15 of Kebbanahalli, Mandya Taluk, which are contiguous to Survey No 10 treated as Kharab at the Survey settlement. In 1888-89, Petitioner cultivated* 2 acres 39 guntas. of S. No. 10, on the plea that it was his hereditary land and had been in his enjoyment for a long time. The Amildar Narasanna who had warned

*: Vide Sakaras Takhte of 1888-89

Petitioner not to cultivate the land included the case as of unauthorized cultivation in the Lakaras Lakhle for the orders of the Jamabandi officer who inflicted a fine of Rs 4 on the Petitioner and ordered him to relinquish the tract he had cultivated.

2 The Deputy Commr confirmed the Jamabandi officer's order on 17th May 1889.

3 In June 89, Petitioner appealed to Govt against the above order of the Deputy Commr, stating that, at the Survey Settlement, a portion of his khalé lands was maliciously represented by the Shanbhog to belong to the Govt date-grove and was consequently treated

9

as kharaba & that it contained no date trees and praying that it might be restored to him and that the fine inflicted upon him might be remitted.

4. The amildar in his report No 805 of 17.1.90 called for by this office No. 191 of 90 stated that the land in question, 4 acres 6 guntas in extent, formed a part of Inaji No 42 and was included in S. No 10, and that the inaji No 42 was in the khata of the Petitioner's brother Channa.

5 The Govt remanded the case to the Deputy Comm.r for further enquiry and disposal by endorsement, authorizing him to remit the fine imposed

and to enter the land
in Petitioners Khale, if it
was a fact that the portion
cultivated by him was
formerly in his Khale.

6 The Amildar Srikantia's
Report called for by the
Deputy Commr's order No. 272
d. 20. 6. 90 was to the effect
that the land bearing S. No. 10
was maji No 40/6 and was
in the joint Khale of 9 persons;
that it was resigned by them
and in 84 was sold by
auction to one Siddegouda
as Kulgaval since it
contained a large number
of dale trees; that at the
Survey Settlement it was
treated as Kharabe; that
since the Petitioner's son
Nanjundia stated that
Channabasavia mentioned
as one of the 9 old Khaledars
was not his father it

* No 60 d 28.6.90

11 could be stated that no land which had been in the Petitioner's holding was included in S. No 10; and that there were no date trees standing on the tract alleged by the Petitioner to have been in his holding.

7 On 20th July 90, the Deputy Commr confirmed his former order of 89, stating that the new Amildar like Narasanna came to the conclusion that the Petitioner never had this land and was therefore encroaching knowingly on the number neighbouring to his own and that the fine inflicted was not too severe under the circumstances.

The appeal is against the above order.

The Petitioner contends (1) that he was the occupant of Maji nos 41 and 42, (2) that the amildar — neither inspected the land in question nor held a proper enquiry, and that his report based on the statements of the Patel and the Shanbhog who are Petitioner's enemies is altogether erroneous, and (3) that in the Chitta of the year Siddharthi Maji No 42 is stated to extend as far as the date-grove and that from this it can be seen that the land in question formed a part of Maji no 42.

The Petitioner has produced the following exhibits:—

B

(10/b). Copy of Phool Pahani.
In this Channabasavia
and Siddegonda are stated
to be rival claimants for
a/se guntas
10 out of the land bearing
S. No 10 & Maji No 40/6. The
amildar states that he
ordered before that — the
number should be sub-divided
and that the portion which
had been held by Channabasavia
was held by Channabasavia
should be given to him
and the remainder to
Siddegonda — and that
Channabasavia's land
contains no date trees
and may be made a
sub-number.

(10/c) Copy of the amildar's
endoraement No 483 of 7/5/88
given to Siddegonda, Patel
of Kebbavahalli.

(10/d) Copy of Chitta of —
Siddharthi, in which

the maji no 42 is stated
to be adjacent to the date
grove near the Rameshwara
Temple.

14

1) The Subdn officer
in his report to Dy Comm.
of 11th September 92 states,
as his opinion, that the
maji numbers that really
exactly belonged to Petitioner
before the Settlement were
41/1 and 42; that the no. 42,
instead of being given in
its entirety to the Petitioner,
was split up, the portion
which is now in his possession
was represented as maji
no 40/3 and retained in his
Khata as S.no. 15, while
the remainder which is
now in dispute was added
on to 40/6 (that is, S.no. 10)
to deprive the Petitioner of it.

15

He recommends that the tract in question may be made a sub-number and given to the Petitioner

LV 7/12

CHIEF SECRETARY'S OFFICE.

PETITION BRANCH.

Petition No 1093 of 1890-91.
Petr - Channabasavia.

OFFICE NOTE.

SUBJECT. Claim for a piece of land out of Survey No 10 in Kebbahalli, alleged ~~to have~~ been from a long time in Petr's holding, and included erroneously in Government Kharab S. No 10.

LAST REFERENCE. Letter No. 585 dated 23 Sept 1892

from the Dy Commr Mysore Dt

1. The case was once before the Council (vide Decision dated 5th June 1890). It was remanded to the Dy Commr for further enquiry and disposal. The Dy Commr's order on remand was adverse to Petitioner.

2 The ~~facts~~ of the case ~~were~~ as follows:—

3 At the Phool Pahani made before the Survey Settlement the Petitioner complained that a piece of land belonging to him measuring about 1 acre 10 guntas, had been included within the limits of Survey No 10 Kharab land containing date trees, the Maji No of which was 40 One Siddegowda who had in 1884 obtained the said Maji No on Kulgaini tenure urged that the piece of land claimed by ~~him~~ Petitioner belonged to him

The Sheristedar who made the Necessary stated that the Petrs had cultivated the disputed portion, as explained by him, with the permission of the Amildar: that the said portion appeared as if included in Petitioners' Inaji land, and that a separate Number might be made of it.- The Amildar observed that he had personally seen the Nos (S. No 10), and ordered, ~~on a previous occasion~~ that it should be Phoded, the portion which Petrs was cultivating to be entered in his name & the rest in Siddo Gowda's; that the portion belonging to Petrs contains no date trees; that it is the other portion which contains date trees; and that the same Nos might be phodded. This recommendation was, however, not approved by the Survey authorities who held that the entire Survey No 10 should be Kharab; and accordingly Siddo Gowda, in reply to a petition addressed by him in 1887, was informed that neither party could get the disputed land. The Petitioner having continued to cultivate it, ~~the~~ in spite of the warning given by the Amildar that he should not enter upon it without obtaining orders, that Officer (Narasinha) reported the Petitioner for being dealt with for unauthorized cultivation, observing that if the Petitioner's contention was true the portion in question would have been separately demarcated. The ~~Jamabandi~~ Officer thereupon fined Petr Rs. 4 & ordered that he should

17

18

be ousted. On appeal preferred to Government, the Amildar was directed to state what the Maji and Survey Nos were of the piece of land referred to in his note on the Phoot Pahani Register referred to above. The Amildar (Narsanna) reported that the portion about which Petitioner was contending formed part of Maji No 42, that it had been included in Survey No 10, that he had personally seen the land and that the said No 42 was in the Khate of Petitioner's elder brother Channa. Upon this report the case was remanded to the Dy Commr

4. The Dy Commr directed the Amildar to submit a report after personal enquiry and to explain the omission to mention what took place at the Phoot Pahani in the Jakkan Jakhta placed before the Jamabandi Officer.

5 The Amildar (Sreekantia) examined Petitioner's son, (to whom Petr referred to inform & enquire), the Shanthog and Siddegowda aforesaid. The Petrs son was apparently not well informed. He at first stated that prior to the Survey, his father held 3 numbers viz a portion of 40, 41 & apara 40 and that the land in dispute formed a part of all the 3 numbers. When told that the accounts showed that the lands entered in his father's name

were two, namely 41 and 40/3, he
answered that that might be
the fact and that he had
no reference to them that his
father had 3 numbers. Again
when told that the said two
Maji numbers had been given
the Survey Nos 12 & 15 & that the
extent entered at the Survey
against his father was more than
the Maji Seejavani, and when
questioned what proof he had
to shew that the portion in dispute
was also included in the said
Maji Nos, he said he had no
documents in that behalf &
that he claimed the land as
that he had been cultivating it for
a long time. The Shanbhag
deposed that the piece in dispute
did not form part of any of the
Maji Nos entered in Pet'rs name,
that it was part of Maji No 40
and that Pet'r having cultivated
it in the year in which Siddi
Gowda took up No 40 for Hulgaval
he was on the complaint of Siddi
Gowda ousted by the Shekdar.
Siddegowda deposed to the same
effect & added that in case the
piece of land in question be given
in cultivation it would be
granted to him. The Amildar
thereupon submitted a report
(of which a translation is put up)
that the Survey No 10 comprises
Maji No 40 and not any portion
of what was in Petitioner's khate

19

20 and that the maps Nos 40/3 & 41/1 held by Petr had been given to Survey Nos 12/1 & 15 and duly confirmed to Petitioner. The Deputy Commr adhered to the orders already passed remarking that the new Amildar had come to the same conclusion as Narsanna (i.e. the one which the latter expressed in the Jakrar Jakhta)

6. In appealing against that order, the Petr stated that his lands were maps Nos 41 and 42; that the Siddhanti account produced by him showed that the land in dispute was part of No 42; that the note made by Amildar Narsanna in the Phodshahani register was in his favor. and that the new Amildar had relied upon the statements of his adversaries instead of making a local enquiry in the presence of Petitioner and neighbouring Ryots.

~~[illegible] report [illegible] ordered for [illegible]~~

7 The Deputy Commr was thereupon asked to submit a report after causing the land to be inspected if necessary by a competent Officer. Accordingly the Sub Divn Officer Mr Mahommad Ali inspected the land in the presence of the Amildar, Shanbhog, Patel, and parties concerned and his conclusions are :—

(1) that Petr owned maps Nos 41/1 and 42, of which the former

was given Survey No. 12, and the latter was split up into two, one portion now in Pet's possession being represented as Majī No. 40/3 & given Survey No. 15, and the other, the one in dispute, added on to Majī No. 40/1 & that Survey No. 10 was given, and that this was done most likely intentionally as to Patel & Shanbhog were aware to Pet.

21

(2) That the description of Majī No. 42 given ~~mentioned~~ in the Siddhanta Deed (viz. dry field close to date grove near Sadoval (western) Rama-devar temple) includes the disputed portion, which has no date trees on it & bears traces of cultivation, and

(3) That when Majī No. 40/1 was leased out to Hulbanni it was minus the portion in dispute

8. The Sub Dn Officer accordingly recommends that the portion in dispute may be ~~given~~ & given to Pet. - As regards the fine imposed on Pet., he submits for consideration ~~if~~ the question, whether Pet. was justified in cultivating the disputed portion before formally obtaining possession of it, and the Deputy Commr notes that this rests with the Government now.

-/6

(5)

22

Pr no 507 dated
14th June 1889

Pr
Channabasavaiah
Dandenhalli
of Mandya
Appellt

Thers is an appeal against the order of the Dy Comr dated 17th May 1889 confirming the order of the Samabandy Offr who fined Pr in a sum of Rs 4 for having cultivated Kharab Lands without authority.—

2— The records show that Pr cultivated land which was formerly held on Halbanni Lease Roundayem, but which was treated by the Survey Dept as Kharab ~~as~~ on account of date trees ~~and therefore~~

because there were

3. Pr contends that the land he cultivated was his Patta land. ~~He says the Patta land~~ ~~was~~ upon his petition an enquiry was held

23

Adjourned at the request of the Pltf to 9th January 1890 to enable him to produce documents in support his allegation

CLL
14/11/89

19/10/89

The affidavit and certificate of search and a plan dated 1st the survey plan of Underdown - Basentum wheat in the extent of Map 40 Sht 12 & 14 & Nos 15 & 10 and what are the dotted lines boundaries & measurements of these fields. The contentum of affdt is that he made measurements upon either 10 or 15

CLL 9/1/90

24

(5/a)

1. Appellant
Chunnabasavayya,
Sovadenahalli, Mandya
Talk.

Pleader Gurusadharaiah

Res. says that
the land suit was apptt - &
that he found respdt Kundayya
in the land for suit
& he was fined by
an apptt.

& Rly says transaction
date breath apptt Kundaya
the yrs before that the
land suit Khane has
cultivated & was land
included in the nos
for which land found respdt
Kundayya. Appt Surg

14/11/89.

x 9/1/89

25

(8/12)

Pr No 507 dated
16th June 1889.

Pr No 1601 dated
17th Sept 1889

Petitioner
Chenna Basavanya
of Kudenhalli
Manadyavalag
Mysore.

This is an appeal against the order of the Dy Comr dated 17th May 1890 confirming the order of the Lambadar who fined Pr in a sum of Rupees 4 for having cultivated Kharab land (2.39 acres) included in Survey No 10 ~~of the~~

2 Petitioner contends that the land he cultivated had always been (in) Kharab, ~~land~~, that he ~~was~~ did not cultivate any Kharab land, & requests that the Lambadar's unjust order may be cancelled.—

3 The Samabandy Officer's order shows that the field which Petitioner cultivated was part of Survey No 10, treated as khalsa number, to which he (Petitioner) had no right whatever, & that he was therefore fined.— The old number of Survey No 10 is not given in the Settlement Register on which the Samabandy Officer passed his order.— In the Khoti Pahani Statement, which bears date 1st March 1889, an authenticated copy of which is produced by the Petitioner, the old number of Survey No 10 is given as 40. The Amildar, in his letter to the Collector dated 17th January 1890, states that the old number of Survey No 10 was 42 & that the tract cultivated by the Petitioner was included in the Khata of his (Petitioner's) brother.—

4 That, the present

25

Addl Issues

is entirely in favor of the Petitioner – But if the present Statement ~~of the Amended~~ be correct, it is not clear why he does not mention the fact in the Jakarar Patta on which the Samasthanam Officer passed his order.—

Moreover, in the Short Pahani Statement above referred to, it is stated that there are no date trees on the land in dispute, while in the Jakarar Patta, it is remarked that there were date trees which Petitioner destroyed.

5 Under these circumstances, the Govt resolve to remand the case to the Bd of Revt for further enquiry & disposal. If it is a fact that ~~he~~ the Petitioner

^ by endorsement.

cultivated by Petitioner
in Survey No 10 was
formerly in her Khata
~~as Kula~~ the Dy Comr
is authorized to remit
the fine imposed &
enter the land in her
Khata after making
the necessary subdivision.
~~If it does not belong~~
~~to the Khata,~~

5/6.

5/6/90

Mr Rambhatkallyar
heard the case.

5/6.

To the Dy Comr
Raichur.

Yes, He has taken
only the
Instructions after
when called
for

5/6.

(16)

99.

Read letter from H. Dr Court of Mysore. dy 23 Febr 1892 No 505.

The report of the Sub DR officer who accompanied the above report shows clearly that the land cultivated by Petitioner Channa Basava formerly part of his Khata, & that it was erroneously excluded from it at the Survey. The fine imposed on him must therefore be remitted & the land re-added to his Khata. The Dr Court is authorized to arrange accordingly

H.L.
27/6/93

Mysore 4/7/93
for Chief Secy

30

Invited

With reference to the draft Order on Petition No 1093 of 1890-91 (Vithu Chanbasva), the following facts are submitted for consideration :—

The order remanding the case to the Dy Comm^r for enquiry and disposal has been duly carried out.

The Order was passed on 5th June 1890. On the 20th June the Dy Comm^r (Mr Micklejohn) issued an order to the Amildar to submit a detailed report, whereupon the Amildar examined Petitioner, his son, & the Shanbhog & Siddesi and submitted a report on the 28th June 1890. On the 20th July 1890 Mr Micklejohn passed the following final order:-

"The new Amildar has inspected this land. He, like Ramanna, comes to the conclusion that the Petitioner never had this land and is therefore encroaching knowingly on the number neighbouring to his own. The fine inflicted is not too severe under the circumstances (Vide paras 4 & 5 of Amil's Note and

para 7 of Precis).

Against the said order of the Dy Comr, the Petr appealed to this Office on 12th August 1890, & thereupon the Dy Comr was directed to submit a report after causing the land to be inspected if necessary by a competent Officer. (vide para 7 of Office note). The report submitted by the Dy Comr & Sub Divl Officer dated Sept 1892, is in obedience to this order.

The appeal has to be considered and disposed of upon the merits.

BR 15/6

31

Thanks. I have passed a fresh order

Sd

2/1/6/93

No. 167

Mysore Dewan's Office,

PETITION DEPARTMENT.

LR 55 132

Official Memorandum.

(2)

The accompanying Petition No. 507 and 508, dated 14th and 17th June 1889, received at the Dewan's Office from Chuna Basaviah of Sondanahalli,

forwarded, together with Two enclosures, to the Deputy Commissioner Bangalore District for submission of Proceedings.

BANGALORE, 16th July June 1889

Draft
A. Seshayyar

By Order,

Under Secretary.

Mysore Government Press, Bangalore.—11-8-88.—1,000.

P.W. Lucknow

Lucknow
14/7

Sir,

As per your instructions conveyed through the Petition Deptt, I submitted the accompg two petitions to the Chief Secretary, who directs that the records therein ordered be sent for.

Yours obediently.

Chennapatna Basavaiah of
Londagerehalli - Maudya Tk.
Cultivator 18 6-89.
(One Rupee Stamp).

33

There pieces of dry land by name Rama's temple dry lands, in Kyathanahalli have been in my enjoyment for the last 5 or 6 years. During survey settlement certain portions of these lands were brought under "Kharab": the Shanbogue of the place, out of malice ~~[illegible]~~ represented them to belong to the Govt. Toddy grove & these portions were cancelled in my patta in consequence: there are no Shendi trees on any lands: Subsequently when I was attempting to cultivate these lands, the Amildar declared them to be Govt. "Kharab" & said that I cultivated them without any order: He laid the case before the Jamabandi Offr. who, without any enquiry, fined me 4 Rs: The Dy Commr confirmed the decision: ~~He rejected the Jamabandi Offrs order~~

34

(General Serial No. 30.)

188 :

From

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

The lands owned by Madiah, Chowdiah Manjappa belong to the Toddy grove, but these have not been brought under the "Kharab": there are no toddy trees on my land which may be ascertained by local enquiry & reference to Govt accounts. In the case of Punikar of Mantè Kyathanahalli in the Mysore Taluk certain lands which were similarly treated as Govt Kharab were restored to him, by order of Govt No. 180 of 84. Under these circs I pray that the lands may be restored & the fine refunded to me.-

(General Serial No. 31.)

OFFICE OF THE DEWAN OF MYSORE
4171
28.AUG.89
504

1889

From The Dy Commissioner Mysore Dist

(3)

To The Chief Secretary to the ~~Govt~~ of Mysore

Dated 26th August 1889.

Despatched

Received

Enclosures No. file

General No. 405

No.

Chief Secretary's Official Receipt no: 164, dated 16th instant, forwarding for submission of Proceedings, petition no: 507, and its enclosures, from Channabasavaiah of Savadanahalli Nandyal Taluk.

Has the honor to submit the records called for in the above, received with Sub Division Officer's no: 414, dated 22d instant.

The Enclosures of the memo under reply are herewith returned.

Dy Commissioner Mysore Dist

Compd
Accounts

COURT FEE

COURT FEE

37

No.
1601

(7)

29-10-89

(General Serial No. 31.)

1890

240

From

To The Superintendent
Revenue Survey
Mysore

Dated 17 January 1890
Dispatched 18
Received

Enclosures No. 1 P.
1 Pieces

General No. 7867
No. 101

Has the honor to
forwards for information a Précis prepared in this Office together with Vernacular Proceedings with Mysore Dy Commr Docket No. 405 of 26 Augt 89 and requests that he will be so good as to cause to be forwarded to this Office the Survey Plan and Sudder account of the Lands therein referred to with a Memo: showing the extent of Nos Hagi 40 Sur: 12 and 41/14 Survey Nos 15 and 10 and the old and new boundaries of these Fields.

By Order
M

LR 55-88-3

Read para 3

To be obligingly returned.

Survey No. 47.

41 188

OFFICE OF THE
8947
15 FEB 90
DEWAN OF MYSORE

From

The Superintendent, Mysore
Rev. Survey

Dated
Despatched
Received

The Chief Secretary to the
Government of Mysore
14th February 1890

ENCLOSURES No. 2 folios.
No. 706 of 1890.

Subject: Chief Secretary's Docket
No. 786 dated 17th January
1890 regarding certain
lands in Kabbankalli,
Mandya Taluk.

I have the honor to forward
the accompanying sketch
showing the extent and
boundaries of Survey
Nos. 10, 12, 14 and 15 of
Kabbankalli

Kabbanhalli as per original measurement which has undergone no subsequent changes up to date. 42

2 As Sud Accounts are destroyed after Survey Settlement, the Superintendent regrets that they are not available for reference in connection with the present case. The file of Vernacular Papers* received is herewith returned.

* together with the Precis.

Suptt Mysore Regd. Survey

Before the Government of *His Highness* the Maharaja of Mysore

(8)

Appeal No. 1601 of 14th June & 17th Sept. 89 respectively.

Appellant. Vs. 43 Respondent

Chenna Basavayya
of Soondenhalli,
Mandya Taluk
Mysore District.

LR 5588-5

Decision. 25/6/90

This is an appeal against the order of the Dy: Comm^r dated 17th May 1889 confirming the order of the Jamabandi officer who fined Petitioner in a sum of Rs 4/-, for having cultivated Kharab land (2.39) included in Survey No. 10.

1889 ?

2. Petitioner contends that the land he cultivated had always been in his Khata, that he did not cultivate any Kharab land, and requests that the Jamabandi officer's order may be cancelled.

3. The Jamabandi officer's order shows that the plot, which the Petitioner cultivated, was part of Survey No. 10, treated as Kharab, to which he (Petitioner) had no right whatever, and that he was therefore fined. The old number of Survey No. 10

not given in the Sakras patti on which the Jamabandi officer passed his order. In the Phut Pahani statement, without date, of which an authenticated copy is produced by the Petitioner, the old number of Survey No. 10 is given as 40. The Amildar, in his Arzi to this Office dated 14th January 1890, states that the old number of Survey No. 10 was 42 and that the tract cultivated by the Petitioner was included in the Khate of his (Petitioner's) brother.

4. Thus, the present report of the Amildar is entirely in favor of the Petitioner. But if the Amildar's present statement be correct, it is not clear why he did not mention the fact in the Sakras patti on which the Jamabandi officer passed his order. Moreover, in the Phut Pahani statement above referred to, it is stated that there are no date trees on the land in dispute, while in the Sakras patti it is remarked that there were date trees which Petitioner destroyed.

5. Under these circumstances the Govt. resolve to remand the case to the Dy. Comm^r, for further enquiry and disposal by endorsement. If it is a fact that the portion cultivated by Petitioner in Survey No. 10 was formerly in

Before the Government of *His Highness* the Maharaja of Mysore

45

Appeal No. of

Appellant. Vs. Respondent

Decision.

in his Khata, the Dy: Comm^r is authorized to remit the fine imposed and enter the land in his Khata after making the necessary sub-division.

By order

Under Secretary

N 2154/175 10-6-89 & 14 & 19

Copy forwarded to the Dy: Comm^r, Mysore. with reference to his N. 4058 26/8/89 returning the ver: proofs received with the above.

By order

Under Secretary.

1 F. P.L. 18

46

1890

To,
The D.C. Dharwar D.t

Dd 10
Rd 14 June 1890

No 2154/175

Send copy of decision in Appeal Nos 507 & 1601 of 14th June and 17th Sept.r respectively in the matter of Cheenda Basavayya of Sondekatti, Mandya T.k

No 50 and 1601

OFFICE OF THE DEWAN OF MYSORE,

5th/13th June 1890.

47

LR 55-88-6

Appellant. Vs. Respondent.

Chenna Basavayya
of Savadanahalli,
Mandya Taluk
Mysore District.

Endorsement. 5/6/90

In reply to his appeal Petitions dated 14th June 9/17th September 189 respectively, Petitioner is informed that his case has been remanded to the Deputy Commissioner, ~~is informed~~ Mysore District, for further enquiry and disposal by endorsement.

AR 716

The enclosures (eight) are herewith returned.

By order

Under Secretary

(General Serial No. 82.)
189

No. 1093

Name of Petitioner. Chennabasavappa

Village. Soudenalli

Taluk. Mandya

District. Mysore

Date of Arzi. 12.8.90

Date of Receipt. 13.8.90

Date of Disposal.

No. of Enclosures. Four

Petition properly stamped
Appeal is in time
Copy of order appealed
against is produced.
Cl: 11 of Rule 1 of 1889 Rules.
Submitted to the Council
23/9/90

ABSTRACT.

Appeal against Dy. Comm.
Endorsement No. 112 dated 22.7.90 on
the following grounds, —

2. The present Amildar has
erred in his opinion recorded
in his report to the Dy. Comm.
Petn is the occupant of Maj
Nos 41 & 42 of which the former
was once held by one Lakkanna
Kantayya. If the Amildar
had desired to institute proper
enquiries into Petn's case, he
should have personally inspected
the place and, after knowing
the original extent of No 42 and
its boundaries, he should
have ascertained whether any
portion of it had been encroached
upon

Re. 9.10.90.

Call for Rm &
a report after
causing it to
be increased if
necessary by a
Competent Officer
dtd
7/11/90

43
10-10-90

upon by Siddi Gowda & included in S. No 10, and if so, what extent. Instead of doing so, the Amildar formed his opinion on the statt of Bidi Siddi Gowda & the Shanbogue who are the Pet's Enemies.

3. The statt containing the remarks made by the present Amildar's predecessor Narayanna during the Phut Pahani Jurisdictions is subs for reference.

4. Copy of Endorsement No 43 granted to Siddi Gowda and Copy of Chitta of the year Siddharti are also produced. In the Chitta field No 42 is stated to be near Ranga Devara temple on the west and extending as far as the Pettah. From this the extent of the No Can be easily determined. There are also traces of encroachment & cultivation by Siddi Gowda, the portion encroached upon being banjar now. The Amildar failed to see these things.

5. If the Amildar had enquired into the case in Pet's presence & taken the statements of the occupants of the adjoining fields the truth would have come out. Besides, if he had personally inspected the spot, he could have easily

seen

50

decree whether the portion encroached upon by Sidde Gowda is Kharab from time immemorial or whether it ever was under cultivation. The Amildar based his report on the state by the Patel & the Shanbogue.

Petr. prays in conclusion that submission of a report after a personal inspection of the land may be ordered and that the portion included in S. No 10 may be put in his possession.

—a—

By: Commrs Endorsement No 1123 22/4/90 to Petr;—

The Amildar's Istilla No 60 of 28/6/90 written after a personal inspection of the land in presence of the parties, the Patel & the Shanbogue, has been perused together with the connected papers. Of Maji No 40 (S. No 10) pieki No 6 was enjoyed by 9 Pattadars; and when it was relinquished, the assessment thereon was struck off. Three dirkhasts were subsequently received, and in 1884 it was sold by public auction to Sidde Gowda for Rs 91/-. He bought it for grazing purposes. But as it contained date trees, it was classed as Kharab during the Survey. As per deposition

given by you accordingly to your wish, you are not the identical Chennabasappa, one of the 9 Pattedars of the said Paiki No 6, and it does not appear that any portion of your land had been encroached upon & included in S. No 10. Maje Nos 40 & 41 as per your Patta received Nos 12 & 15 during the Survey & were confirmed to you. You have no link to S. No 10. According to the Opinion of the present Amildar & his predecessor Nakkasnavis you are guilty of encroachment about the fine inflicted upon you for the guilt is not heavy.

57

No: 834.

52

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

12

The accompanying Petition No. 1093
dated 12th August 90 received at the
Dewan's Office from Chennabasa-
vagga of Soudenalli
Mandya Taluk,

is forwarded, together with its four
enclosures, to the Dy: Comm^r,
Mysore Dt, for submission
of proceedings & a precis
thereof, together with a report
after causing the land to
be inspected, if necessary,
by a competent officer.

Drafted as per
D's order
9.9.

By Order,

Chief Secretary

BANGALORE,
Dec 17
1890.

8-1-91.

(General Serial No. 30.)

189

OFFICE OF
3413.
26 SEP. 9
Pet 163
DE
13

53

From The Deputy Commissioner Mysore District.

To The Chief Secretary to the Dewan of Mysore.

Dated 23rd September 1892.

Despatched

Received

Enclosures No. Petition with its 4 enclosures & Canarese file. A letter & 2 Pcses.

General No.
No. 585.

L.R. 55-8

Submitting a report on the petition of Chennabasavayya of Soudenahalli, Maddur Taluk.

Ord. March
26/9/92

V. Srikantiah
for Messrs Speir
Wilson & Dey
M28/92

For the same Do 725 of 14-7-93
P.F. 13-93

10/10/92

Deputy Commissioners Office
Mysore District

Dated Mysore 23rd September 1892

No. 585.

Encl. Petition with its 4 enclosures and Canarese file.

57

From,

The Deputy Commissioner
Mysore District

To,

The Chief Secretary to the Dewan
of Mysore
Bangalore

Sir,

With reference to your official Memo No. 834, dated 8th January 1891, forwarding for submission proceedings, petition from Chenna Lenviah, of Soudenahalli, Mandya Taluq, I have the honor to forward report received from the Sub Division officer, French Rocks, together with English precis of the correspondence. The Canarese papers connected with the case are also enclosed.

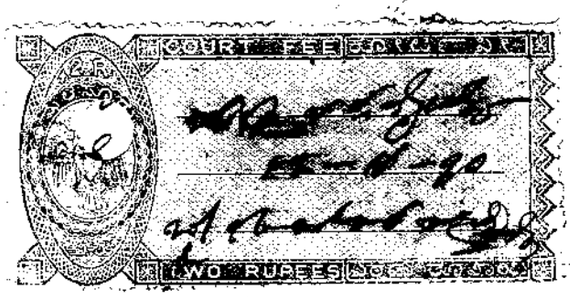
I have the honor to be,

Sir,

Your most obedt. Servant,

Deputy Commissioner
Mysore District

Compd:
WH



(10)

No. 1093

12-8-90

54

ಇವರಿಗೆ ಕೊಟ್ಟಿರುವ ಹಣವನ್ನು ಇವರಿಂದ ವಸೂಲು
ಮಾಡಿಕೊಳ್ಳಲು ಅಧಿಕಾರಿಗಳಿಗೆ ಆದೇಶ ನೀಡಲಾಗಿದೆ.
ಇವರು ಸಲ್ಲಿಸಿರುವ ಮನವಿಯಲ್ಲಿ ಇವರ ಮಾಸಾಶನವನ್ನು
ಹೆಚ್ಚಿಸಲು ಕೋರಿರುವುದರಿಂದ ಈ ಕ್ರಮ
ಕೈಗೊಳ್ಳಲಾಗಿದೆ.

12-5-90

2 Drafts for approval.

(General Serial No. 30.)

189 .

From

The Chief Secretary
to the Dewan of Mysore.

58

To The Deputy Commissioner
Mysore District

Dated 14th
Despatched 17th } July/93.
Received

Enclosures No.

General No. 725
P.F. No. 13-93

Passing orders on the petition of Channabasavaiya of Londenhalli, Mandya Taluk, appealing against the Deputy Commr's order of fining him for unauthorized cultivation of a certain land.

References to be marked.

Mysore Govt. C. Press, Bangalore.—9-1-93.—3,000.

Read:—

59

Letter no 585, dated 23rd September 1892, from the Deputy Commissioner of Mysore, submitting with the report of the Sub Division Officer Nanjangud, the proceedings connected with the appeal of Channabasavaiya of Soudenhalli, Mandya Taluk, complaining of the inclusion of his land as Govt Kharab, Survey no 10 in Kebbanhalli, and the imposition of fine for cultivating the said land against his order dated 20th July 1892 confirming his previous order fining Petitioner on the ground that he unauthorizedly cultivated a portion of Govt Kharab land, S. No 10 in the village of Kebbanhalli

Order thereon. No. 725 / Pet: F. 13-93 dt 14/17/1/93.

The report of the Sub Dr officer which accompanied the above report shows clearly that the land cultivated by Petitioner Channabasavaiya formerly formed part of his Khata, and that it was erroneously excluded from it at the Survey. The fine imposed on him must, therefore, be remitted and the land re-added to his Khata. The Deputy Commissioner is authorized to arrange accordingly.

10/1/93

Redraft

Sd. Chief Secretary

To the Deputy Commr, Mysore Distt with proceedings.

No. 1093

Enclosed with five Enclosures

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

12th July 1893

60

17

(17)

Endorsement granted to Channabasavaiya of Soudenhalli,

Mandya Taluk,

in reply to his Petition Registered No. 1093 dated 12-8-90

appealing against the order of Deputy Commissioner of Mysore, fining Petitioner for ~~unauthorized cultivating of a certain land~~ a portion of Survey No 10 a Kebbahalli

Petitioner is ~~informed that~~ referred to the Deputy Commissioner who has been directed to remit the fine imposed on Petitioner and to add the land, cultivated by Petr. afsn to his Khata.

The enclosures are herewith returned.

Rel 20/7/93

LR 55 Sb-11

"By Order"

Draft (Communicated)

Chief Secretary.

SS

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.